

By: Callegari

H.B. No. 31

A BILL TO BE ENTITLED

AN ACT

relating to school district personnel.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 12.133(b), (b-1), (c), and (d-1), Education Code, are amended to read as follows:

(b) Each school year, using state funds received by the charter holder for that purpose under Subsection (d), a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in an average compensation increase for classroom teachers, full-time librarians, full-time counselors, and full-time school nurses who are employed by the charter holder [~~and who would be entitled to a minimum salary under Section 21.402 if employed by a school district,~~] in an amount at least equal to \$2,500.

(b-1) Using state funds received by the charter holder for that purpose under Subsection (d-1), a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in average

1 compensation increases as follows:

2 (1) for full-time employees other than full-time
3 classroom teachers, full-time librarians, full-time counselors,
4 and full-time nurses [~~employees who would be entitled to a minimum~~
5 ~~salary under Section 21.402 if employed by a school district~~], an
6 average increase at least equal to \$500; and

7 (2) for part-time employees, an average increase at
8 least equal to \$250.

9 (c) Each school year, using state funds received by the
10 charter holder for that purpose under Subsection (e), a charter
11 holder that did not participate in the program under Chapter 1579,
12 Insurance Code, for the 2005-2006 school year shall provide
13 employees of the charter holder, other than administrators,
14 compensation in the form of annual salaries, incentives, or other
15 compensation determined appropriate by the charter holder that
16 results in an average compensation increase for classroom teachers,
17 full-time librarians, full-time counselors, and full-time school
18 nurses who are employed by the charter holder [~~and who would be~~
19 ~~entitled to a minimum salary under Section 21.402 if employed by a~~
20 ~~school district,~~] in an amount at least equal to \$2,000.

21 (d-1) In addition to any amounts to which a charter holder
22 is entitled under this chapter, a charter holder that participated
23 in the program under Chapter 1579, Insurance Code, for the
24 2005-2006 school year is entitled to state aid in an amount, as
25 determined by the commissioner, equal to the sum of:

26 (1) the product of \$500 multiplied by the number of
27 full-time employees other than full-time classroom teachers,

1 full-time librarians, full-time counselors, and full-time nurses
2 ~~[employees who would be entitled to a minimum salary under Section~~
3 ~~21.402 if employed by a school district]; and~~

4 (2) the product of \$250 multiplied by the number of
5 part-time employees.

6 SECTION 2. Section 19.007(f), Education Code, is amended to
7 read as follows:

8 (f) In addition to other amounts received by the district
9 under this section, the district is entitled to state aid in an
10 amount equal to the product of \$2,000 multiplied by the number of
11 classroom teachers, full-time librarians, full-time counselors
12 certified under Subchapter B, Chapter 21, and full-time school
13 nurses who are employed by the district ~~[and who would be entitled~~
14 ~~to a minimum salary under Section 21.402 if employed by a school~~
15 ~~district operating under Chapter 11]~~.

16 SECTION 3. Section 19.009(d-1), Education Code, is amended
17 to read as follows:

18 (d-1) Each school year, the district shall pay an amount at
19 least equal to \$2,000 to each classroom teacher, full-time
20 librarian, full-time counselor certified under Subchapter B,
21 Chapter 21, and full-time school nurse who is employed by the
22 district ~~[and who would be entitled to a minimum salary under~~
23 ~~Section 21.402 if employed by a school district operating under~~
24 ~~Chapter 11]~~. A payment under this section is in addition to wages
25 the district would otherwise pay the employee during the school
26 year.

27 SECTION 4. Section 21.0031(b), Education Code, is amended

1 to read as follows:

2 (b) After an employee receives notice that the employee's
3 contract is void under Subsection (a), ~~+~~

4 ~~(1)~~ a school district may:

5 (1) ~~(A)~~ terminate the employee;

6 (2) ~~(B)~~ suspend the employee with or without pay; or

7 (3) ~~(C)~~ retain the employee for the remainder of the

8 school year on an at-will employment basis in a position other than

9 classroom teacher at the employee's existing rate of pay or at a

10 reduced rate~~, and~~

11 ~~(2) the employee is not entitled to the minimum~~
12 ~~salary prescribed by Section 21.402].~~

13 SECTION 5. Section 21.103(a), Education Code, is amended to
14 read as follows:

15 (a) The board of trustees of a school district may terminate
16 the employment of a teacher employed under a probationary contract
17 at the end of the contract period if in the board's judgment the
18 best interests of the district will be served by terminating the
19 employment. The board of trustees must give notice of its decision
20 to terminate the employment to the teacher not later than the ~~[45th]~~
21 15th day before the last day of instruction required under the
22 contract. The notice must be delivered personally to the teacher or
23 mailed by regular mail or prepaid certified mail or by an express
24 delivery service to the teacher's address of record with the
25 district. Notice that is mailed in accordance with this subsection
26 is considered given at the time of mailing. The board's decision is
27 final and may not be appealed.

1 SECTION 6. Section 21.157, Education Code, is amended to
2 read as follows:

3 Sec. 21.157. NECESSARY REDUCTION OF PERSONNEL. A teacher
4 employed under a continuing contract may be released at the end of a
5 school year and the teacher's employment with the school district
6 terminated at that time because of a necessary reduction of
7 personnel by the school district~~[, with those reductions made in
8 the reverse order of seniority in the specific teaching fields]~~.

9 SECTION 7. Section 21.206(a), Education Code, is amended to
10 read as follows:

11 (a) Not later than the ~~[45th]~~ 15th day before the last day of
12 instruction in a school year, the board of trustees shall notify in
13 writing each teacher whose contract is about to expire whether the
14 board proposes to renew or not renew the contract. The notice must
15 be delivered personally to the teacher or mailed by regular mail or
16 prepaid certified mail or by an express delivery service to the
17 teacher's address of record with the district. Notice that is
18 mailed in accordance with this subsection is considered given at
19 the time of mailing.

20 SECTION 8. Section 21.401, Education Code, is amended by
21 amending Subsection (b) and adding Subsection (e) to read as
22 follows:

23 (b) Except as provided by Subsection (e), an [An] educator
24 employed under a 10-month contract must provide a minimum of 187
25 days of service.

26 (c) The commissioner, as provided by Section 25.081(b), may
27 reduce the number of days of service required by this section. A

1 reduction by the commissioner does not reduce an educator's salary.

2 (d) Subsections (a) and (b) do not apply to a contract
3 between a school district and an educational diagnostician.

4 (e) Notwithstanding any other provision in this Code, the
5 board of trustees of a school district may reduce the length of
6 service required under an educator contract if the board has
7 determined that a decrease in state funds available per weighted
8 student necessitates a reduction in the length of the instructional
9 year or in the number of days of service required by the educator.
10 The board may reduce the length of service by up to seven
11 instructional days, non-instructional days, or a combination of the
12 two. The salary of the educator may be reduced by an amount
13 corresponding to the reduction in length of service.

14 SECTION 9. Section 22.003(a)(1), Education Code, is amended
15 to read as follows:

16 (a) A state minimum personal leave program consisting of
17 five days per year personal leave with no limit on accumulation and
18 transferable among districts shall be provided for school district
19 employees. School districts may provide additional personal leave
20 beyond this minimum. The board of trustees of a school district may
21 adopt a policy governing an employee's use of personal leave
22 granted under this subsection, except that the policy may not
23 restrict:

24 (1) the purposes for which the leave may be used,
25 except that the board by local policy may restrict the use of state
26 personal leave on days designated for furloughs under Section
27 21.401, Education Code; or

1 (2) the order in which an employee may use the state
2 minimum personal leave and any additional personal leave provided
3 by the school district.

4 SECTION 10. Section 25.081, Education Code, is amended by
5 to read as follows:

6 (a) Except as authorized under Subsections (b) and (c) of
7 this section, Section 25.084, or Section 29.0821, for each school
8 year each school district must operate so that the district
9 provides for at least 180 days of instruction for students.

10 (b) The commissioner may approve the instruction of
11 students for fewer than the number of days required under
12 Subsection (a) if disaster, flood, extreme weather conditions, fuel
13 curtailment, or another calamity causes the closing of schools.

14 (c) If the board of trustees of a school district has
15 determined that a decrease in state funds available per weighted
16 student necessitates a reduction in the instructional year, the
17 board may reduce the number of days of instruction required under
18 Subsection (a). The board may adjust educator contracts as
19 provided at Section 21.401(e).

20 SECTION 11. Section 21.402(d), Education Code, is repealed.

21 SECTION 12. This Act takes effect October 1, 2011.